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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,916	08/08/2001	Cheng-Chih Chien	UPA-01188	3684

33804 7590 07/13/2004  
SUPREME PATENT SERVICES  
POST OFFICE BOX 2339  
SARATOGA, CA 95070

EXAMINER
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KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/924,916

Applicant(s)

CHIEN ET AL.

Examiner

Clifford H Knoll

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is responsive to communication filed 5/8/2004. Claim 5 has been cancelled. Currently claims 1-4 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

*Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.*

The specification states that without a real storage device, the "program code now for output of a virtual ID (identifier) table", and "runs the program code for output of the virtual ID table", and to "read sectors of a partition table and give a virtual partition table" (para. 16). This disclosure would contradict the claimed exclusion of sector 0 since these tables are found in sector 0. The instant lack of

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enablement determination is complicated by the recitation of "having data" which is deemed indistinct *infra*.

*Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

The claimed feature of "having data for all sectors other than sector 0" is unclear because it cannot be clearly established the correspondence intended between the claimed data and the sector data.

### ***Claim Rejections - 35 USC § 102***

*Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartung (US 5920709).*

Regarding claim 1, Hartung discloses IDE hard disk drive (HDD) controller and a program code to respond to the ATA interface "a virtual storage device" in the case of lacking a real storage device connected to the IDE HDD controller via the ATA interface (e.g., col. 5, lines 31-33), or if the program code is executed to connect "a real storage device" to the IDE HDD controller via the ATA interface, connection of the IDE HDD controller with the ATA interface is disabled so that the real storage device will respond to the ATA interface directly (e.g., col. 6,

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lines 14-16). Hartung also discloses "having data for all sectors other than sector 0" (e.g., col. 4, lines 33-38).

Regarding claim 3, Hartung discloses IDE hard disk drive (HDD) controller (e.g., col. 5, lines 31-33).

### ***Claim Rejections - 35 USC § 103***

*Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung as applied in claim 1, in view of industry standard response formats for ATAPI commands, as further evidenced by Lin (US 5721952).*

Regarding claim 2, Hartung also discloses response to a comprehensive set of ATAPI commands (e.g., col. 16, lines 30-40), but does not expressly mention the detail of response format. However the Examiner takes Official Notice that these details are widely known industry standards as further evidenced by Lin. Lin discloses identifier table and partition table information as format details of an ATAPI command (e.g., col. 5, lines 48-57). It would be obvious to combine ATAPI response formats with Hartung ATAPI commands, because these formats are part of the widely known industry standard for ATAPI responses. Therefore it would be obvious to one of ordinary skill in the art to combine widely known ATAPI response formats with Hartung to obtain the claimed invention.

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*Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung as applied to claim 3 above, in view of well known IDE peripheral device formats, as further evidenced by Estakhri (US 6385667).*

Hartung also discloses a wide variety of IDE devices (e.g., col. 14, lines 11-16), but fails to expressly mention the compact-flash memory storage device; however the Examiner takes Official Notice that the flash IDE is a well known device in the industry, as further evidenced by Estakhri. Estakhri discloses the ATA IDE interface to flash memory (e.g., col. 2, line 1). It would be obvious to combine the flash memory with Hartung because the IDE interface of flash memory is widely known in the industry. Therefore, it would be obvious to one of ordinary skill in the art to combine Hartung with flash IDE to obtain the claimed invention.

### ***Response to Amendment***

Applicant's arguments filed 5/8/2004 have been fully considered but they are not persuasive.

Applicant argues that the new limitation is not taught by Hartung; however, as interpreted Hartung discloses this feature. As disclosed by Hartung, irrespective of the data access attempted to a device, Hartung provides a response, and in this reasonable sense is interpreted as "having data for all sectors".

Applicant argues that "[t]he requirement of a non-standard device driver is the drawback of the conventional art that the instant invention tries to overcome"

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(p. 12); however, irrespective of this assertion, the distinction is not supported in the claims. Examiner notes however, that Hartung does indeed disclose a virtual device which is used to interface with the *standard* device driver that assumes it is communicating with a real device (hence Hartung's designation of "phantom" and "mirrored" activities, see for example the "enhanced phantom response and negotiation (EPRAN) machine" (col. 4, lines 17-21 et seq.)).

Thus the rejections of claims 1-4 are maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

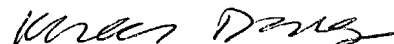


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 703-305-8656. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



chk

Khanh Dang  
Primary Examiner